

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CONSTANCE LYTTLE, individually and on behalf)
of the UNITED STATES OF AMERICA, and the)
UNITED STATES OF AMERICA,)
Plaintiffs,)

vs.)

Civil Action No. 2:10-1376

AT&T CORPORATION, also known as AT&T)
ACCESSIBLE COMMUNICATIONS SERVICES,)
Defendant.)

ORDER

AND NOW, this 28th day of December, 2012, after the Plaintiff/Relator, Constance Lyttle, individually and on behalf of the United States of America, filed an Amended Complaint in the above-captioned case, and after the United States filed a Complaint in Intervention, and after motions to dismiss both complaints were submitted by the Defendant, AT&T Corporation, a/k/a AT&T Accessible Communication Services, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, upon consideration of the objections filed by all of the parties (ECF Nos. 73, 74, 75), the respective responses thereto (ECF Nos. 76, 78, 79), the reply by the United States (Docket No. 80-1) and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 70), which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion to Dismiss the Complaint in Intervention of the United States filed by Defendant (ECF No. 44) is denied.

IT IS FURTHER ORDERED that the Motion to Dismiss the Amended Complaint

of Plaintiff/Relator filed by Defendant (ECF No. 47) is granted with respect to Counts II, III, IV, V, VI and VII and denied with respect to Count I, which is limited to the period between May 20, 2009 and October 31, 2009.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge